

COURT MINUTES OF FINAL PRETRIAL CONFERENCE

UNITED STATES of AMERICA,

v.

CASE NO. 06-CR-250

DAVID OLOFSON.

HON. J. P. STADTMUELLER PRESIDING

DATE: March 15, 2007

TIME SCHEDULED: 1:30 p.m.

LAW CLERK: Melissa Burkland

TIME CALLED: 1:32 p.m.

COURT REPORTER: Cindy Bohman

TIME FINISHED: 1:50 p.m.

INTERPRETER: N/A

GOVERNMENT BY: AUSA Greg Haanstad

DEFENDANT BY: Attorney Christopher Rose

Notes:

1:32 Court comments on the procedural history of the case

1:34 Defendant's attorney comments to the motion to adjourn before the court; states that the expert witness he has been in contact with is not available to proceed on March 19, 2007; defendant's attorney further comments that an expert in this case is necessary and this is what prompted him to move to adjourn again; defendant and his attorney have been searching for an expert since January, and this was the first one they have found that would be willing to testify for the prices formerly quoted

1:40 Government comments that it opposes the motion to adjourn; government comments that it is questionable if the defendant's expert should even be allowed to testify; government comments that given all of the discovery, there is no reason for an adjournment

1:43 Court comments that it was taken aback when it learned at the status conference on February 22, 2007, that the defendant, his counsel, and/or an expert witness for the defense had not taken advantage of the viewing of the test firing the court suggested be performed; court further comments that the defendant's attorney has demonstrated that he is not conversant as to the policies and procedures for representing a criminal defendant facing felony criminal charges in federal court; the court references the defense attorney's lack of knowledge as to the costs and procedures for securing witnesses including expert witnesses, including the subpoena processes; the court further comments that the defense attorney has demonstrated his inability or unwillingness to adhere to the court's deadlines for the filing of pretrial motions as well as the court's scheduling order

1:47 Court comments that in light of all of the record before the court, the court is obliged to discharge Mr. Rose as Mr. Olofson's attorney. The Federal Defender Services is to undertake representation of Mr. Olofson, or it shall assign a suitable substitute attorney take the case

1:48 Court comments that to avoid any appearance of impropriety and to ensure that the defendant's rights are not impinged, or that he assert an appeal or bring a habeas petition alleging unfairness, the court orders that this matter be assigned to another branch of the court for trial. The court comments that a magistrate judge will receive the recently filed motions for adjudication

1:49 The court orders that the case be removed from the court's calendar for a jury trial on Monday, March 19, 2007 matter will be removed from the court's calendar

1:49 The court directs the court reporters assigned to the February 13 & 22, 2007 pretrial and status conferences, as well as today's hearings, to prepare transcripts for newly assigned counsel appointed to succeed Rose. The court directs that these transcripts be sent to the Federal Defender Services

1:50 Court stands in recess